

REMARKS

Applicants confirm the provisional election made by Mr. Babineau on September 13, 2005 to prosecute the claims of Group I (claims 1-31 and 38-40). This election is made without traverse. Withdrawn claims of Group II (claims 32-37) are cancelled herewith.

The Examiner apparently found duplicate entries of three references on form 1449 submitted by the Applicants on February 24th, 2004. In particular, the Examiner found duplicates of Provost et al., U.S. Patent No. 5,953,797; Pollard et al., U.S. Patent No. 5,945,193; and Russo, U.S. Patent No. 5,653,004 and crossed out the duplicate entries before returning a copy of form 1449 to the Applicants agent. The Examiner has indicated that the references have been considered.

Applicants note that the Examiner has found allowable subject matter in claims 16-21, and in claims 38-40. Applicants believe that all pending claims as currently presented are allowable, and further review is requested in light of the following remarks.

Claims 1, 2, 6, 8, 13, 15, and 22-26 have been rejected as being anticipated by Allan, U.S. Patent No. 5,179,767 (“Allan”). In addition, claims 7, 9-12, 14, 29 and 30 have been rejected as being obvious over Allan. Applicants respectfully request reconsideration and withdrawal of the rejections for at least the following reasons.

The fastener components disclosed by the Applicants generally provide for high shear strength fastening when forces are applied to the components in a manner such that engageable sides of the wedge-shaped elements of a first fastener component are opposed by engageable sides of wedge-shaped elements of a mating fastener component; and they also provide for relatively free movement when forces are applied in a manner such that non-engageable sides of the wedge-shaped elements of the first fastener component are opposed by non-engageable sides of wedge-shaped elements of the mating fastener component. Many of the fastener components can be readily disengaged with little force when desired, and can provide for *in-place fastener adjustability while under a load*. For example, the wedge-shaped elements can be arranged to allow engaged surfaces to be readily *shifted* for adjustment along the direction of the rows of wedges while under load, the curvature of the edges helping to assist in the adjustment by

allowing the apexes of the wedges to slide across one another. Applicant presents an example of this in-place adjustability at page 10, lines 3-20 of the Specification. In addition, some of the fastener components are configured to have low or ultra-low profiles that resemble “fish scales.”

Of the claims rejected over Allan, only claim 1 is in independent form. Claim 1 is directed to a self-engageable fastener component and requires, in pertinent part, *an array of wedge-shaped, engageable elements extending integrally from a sheet-form base, each element having an engageable side and a non-engageable side conterminous with an upper edge of the element that defines a curve in top view.*

Referring Applicants to Fig. 30 of Allan (reproduced below), the Examiner apparently believes that Allan discloses a self-engageable fastener component that includes “a sheet-form base (606) and an array of wedge-shaped elements (600) extending integrally from at least one side of the sheet form base”. The Examiner further believes that “each of the engageable elements has an engageable side (604) and a non-engageable side (stem) conterminous at an upper edge of the element” (page 4, first paragraph of the Office Action). Applicants do not agree, and respectfully submit that the engageable elements shown in Fig. 30 of Allan are not *wedge-shaped elements extending integrally from a sheet-form base*, nor do Allan’s elements have *an engageable side and a non-engageable side*, as claim 1 requires. In fact, Fig. 30 clearly shows that *all sides* of Allan’s elements are engageable. Applicants understand that the Examiner must give claims their broadest *reasonable* interpretation, but respectfully submit that construing the elements of Allan as being wedge-shaped is simply not a *reasonable* construction, and is not consistent with the plain meaning of the words. Applicants respectfully submit that claim 1, and all claims that depend therefrom are novel over Allan.

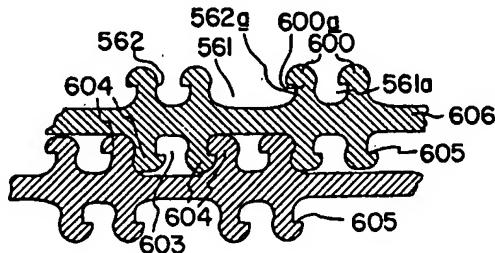


FIG. 30

Regarding obviousness of the above-noted claims, there is no motivating disclosure in Allan that would lead one of ordinary skill in the art to modify his elements so that the elements are *wedge-shaped, each having an engageable side and a non-engageable side conterminous with an upper edge of the element*, as claim 1 requires. Therefore, claims 7, 9-12, 14, 29 and 30 non-obvious over Allan for at least the reason that they depend from a non-obvious base claim. Applicants respectfully submit that all pending claims are patentable over Allan.

Claims 1-6, 8, 13 and 30 have been rejected as being anticipated by Kaneko, U.S. Patent No. 5,212,853 ("Kaneko"). Applicants respectfully request reconsideration and withdrawal of the rejection for at least the following reasons.

Referring Applicants to Figs. 21-24 of Kaneko (reproduced below), the Examiner apparently believes that Kaneko discloses a self-engageable fastener component that includes "a sheet form base (10a,10b) and an array of wedge-shaped, engageable elements (3,4) extending integrally from at least one side of the sheet-form base." The Examiner further believes that

FIG.21

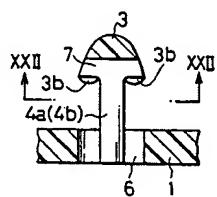


FIG.22

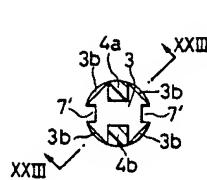


FIG.23

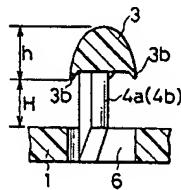
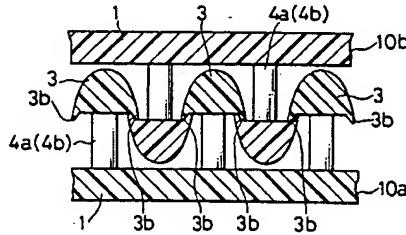
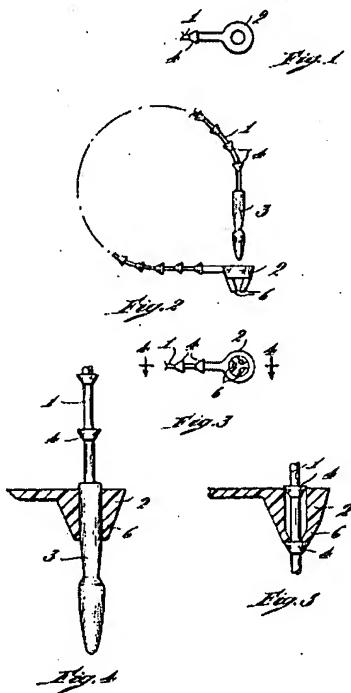


FIG.24



"each of the engageable elements has an engageable side (3b) and a non-engageable side (4) conterminous at an upper edge of the element" (page 5, sixth paragraph of the Office Action). Applicants respectfully submit that the engageable elements shown in Kaneko are not *wedge-shaped elements extending integrally from a sheet-form base*, nor do they have *an engageable side and a non-engageable side*, as claim 1 requires. The figures of Kaneko show that *all sides* of Kaneko's elements are engageable. Just as was the case with Allan described above, Applicants respectfully submit that construing the elements of Kaneko as being wedge-shaped is simply not a *reasonable* construction, and is not consistent with the plain meaning of the words. Applicants respectfully submit that claim 1, and all claims that depend therefrom are novel over Kaneko.

Referring Applicants to Figs. 1-5 of Merser (reproduced below), the Examiner apparently believes that Mercer discloses a self-engageable fastener component that includes "a sheet-form base (1) and an array of wedge-shaped, engageable elements (4) extending integrally from at least one side of the sheet-form base." The Examiner also believes that "each engageable



Applicants : Christopher M. Gallant et al.
Serial No. : 10/785,133
Filed : February 24, 2004
Page : 11 of 11

Attorney Docket No.: 05918-324001 / VGCP No. 7020

element has an “an engageable side (top portion) and a non-engageable side (lower portion) conterminous at an upper edge of the element.” The Examiner further believes, “the upper edge of each engageable element defines a curve in top view” (page 6, eighth paragraph of the Office Action). Applicants respectfully submit that the engageable elements shown in Mercer do not extend from *a sheet-form base*, nor does each element have an engageable side and a non-engageable side conterminous with an upper edge of the element that defines a *curve* in top view. Applicants note that Merser describes Fig. 1 as a top view, and that the upper edge of Mercer’s elements define a straight line, not a curve. One again, Applicants respectfully submit that the Examiner’s construction is not a *reasonable* construction, and is not consistent with the plain meaning of the words used in Applicant’s claims. Applicants respectfully submit that claim 1, and all claims that depend therefrom are novel over Mercer.

It is not believed that any fees are due, but please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 05918-324001.

Respectfully submitted,

Date: December 19, 2005


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